

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

M. Donald Hayes,

Appellant,

v.

**Case No.: 3:17-cv-280
Judge Thomas M. Rose**

John Paul Rieser, Trustee, et al.,

Appellees.

**ENTRY AND ORDER SUMMARILY AFFIRMING THE RULING
OF THE BANKRUPTCY COURT AND TERMINATING CASE**

On August 18, 2017, Pro Se Appellant M. Donald Hayes appealed a final decision of the United States Bankruptcy Court for the Southern District of Ohio. On September 22, 2017, Bankruptcy Court Clerk's Certified the Record on Appeal. When it was noticed that the certification was returned as undeliverable, the Court re-mailed this notice on July 26, 2018, ordering Pro Se Appellant to file a brief by August 27, 2018.

Bankruptcy Rule 8018 requires that the appellant must serve and file a brief within 30 days after the docketing of notice that the record has been transmitted or is available electronically. The Court's remailing of the Bankruptcy Notice informed Pro Se Appellant that the briefing date had been extended until August 27, 2018. It has still not been filed.

A party proceeding pro se is entitled to some indulgences. *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972). But “the lenient treatment generally accorded to pro se litigants has limits.” *Pilgrim v. Littlefield*, 92 F.3d 413, 416 (6th Cir. 1996); *Greer v. Home Realty Co. of Memphis Inc.*, 2010 WL 6512339, at *2 (W.D. Tenn. July 12, 2010) (“Although district courts

may liberally construe the federal and local rules for pro se litigants, even pro se litigants are obligated to follow these rules"); *Looper v. Educ. Credit Mgmt. Corp.*, 2008 WL 2965887, at *8 (E.D. Tenn. July 30, 2008) (plaintiff's "pro se status does not exempt him from complying with the rules of procedure"). A pro se party that fails to comply with procedural rules can be dismissed. *Jawara v. Suntrust Bank*, No. 3:15-CV-00305, 2016 WL 2770657, at *1–2 (M.D. Tenn. May 12, 2016), aff'd sub nom. *Jawara v. Suntrust Bank* (6th Cir. May 23, 2016).

Here, Pro Se Appellant failed to meet the requirements set out in the Federal Rules of Bankruptcy Procedure. Accordingly, the Court **SUMMARILY AFFIRMS** the ruling of the Bankruptcy Court; and **DISMISSES** this case **WITH PREJUDICE**. The Clerk of the Court shall enter Final Judgment in a separate document in accordance with Rule 58 of the Federal Rules of Civil Procedure. The instant case is **TERMINATED** from the dockets of the United States District Court, Southern District of Ohio, Western Division at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Monday, September 10, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE